

REMARKS

The application has been further amended to bring the case into conformity under the new claim amendment rules. Applicant traverses the rejection of the claims 1, 4, 6 and 7 under 35 USC 102(b) as anticipated by Krueger et al. Patent Number 5,868,253; claim 22 under 35 USC 102(b) as anticipated by Bowman et al. Patent Number 4,736,850 and claims 1-4, 6, 7, 14, and 15 under 35 USC 103(a) in view of Bowman et al. '850 when combined with Krueger et al. '253. Claims 16-18 and 25-32 were allowed and claims 5, 8-13, 20, 21, 23 and 24 were objected to but were indicated as being allowable if re-written in independent form. New claims 33-37 represent claims 5, 9, 12, 20 and 23 respectively written in independent form which have been indicated by the Examiner as allowable.

The Examiner's redundancy rejection on claim 5 is not understood. The outer container is impermeable and the inner container cover is permeable. There are two separate covers of two different compositions.

The specification has been amended to correct a typographical error. No new matter has been added.

The Bowman et al. '850 patent is directed to a cell harvesting kit comprising three trays contained in a packaging container 11. The first tray is an outer tray 12 with a lid 13. The lid 13 is sealed to a flange formed by the tray 12 and abuts against the inner surface of the side walls of the packaging container 11. A second component tray 14 is sized to fit in the cavity formed by the outer tray and is provided with a lid. A third process tray 31 is seated on the base of the component tray and is secured to the base. The process tray defines a trough 30 located within the center of the process tray. This trough holds the vein which is removed from the patient and cannula are placed

in each end of the vein. The cannula are then placed in slots 32 located at each end of the trough 30. The process tray is fixed to the bottom of the component tray to preclude movement and has no means of easy removal as claimed in the present invention. This fixed position is necessary as the vein must be rinsed, cut and filled with Diapase. Furthermore, Bowman et al. '850 does not disclose a stepped channel to hold tissue implants as the grooves 32 are cut through the end walls to hold the cannula fixed to the vein. (Figures 2 and 3). Bowman et al. '850 is not meant to hold an allograft tissue form in storage as it would fall out of the trough 30 during movement of the container and be almost impossible to place back in the trough once it was dislodged. The trough 30 simply acts as a seat for treatment of a vein taken from the patient being operated upon. This is an autologous procedure and not an allograft procedure.

The Krueger et al. '253 patent discloses a mechanical heart valve package with an outer container, an inner heart valve container seated in the outer container and a two piece complex hinged retainer member mounted in the inner container to keep the heart valve in place. The hinged container member is mounted into the inner heart valve container through the use of a complex structure on the inner container. The '253 patent requires complex orientation of the component parts to arrive at a locking position.

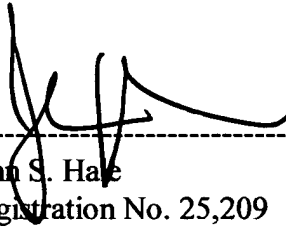
None of the references teach an inclined end wall allowing easier stacking and storing of tissue transplant forms during treatment or the various defined shaped tissue form structures for retaining tissue within the inner container for later surgical use or a single piece removable insert for holding the allograft tissue in a predetermined position.

Applicant submits that the cited references do not teach, anticipate, or obviate the present invention either singularly or in combination and requests that the application be favorably

reexamined and passed to issue. A check for the additional claims was attached to the original Amendment together with a fee transmittal sheet. If any additional charges are required, please charge Deposit Account Number 07-1340.

Respectfully submitted,

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